

REMARKS

The present application was filed on September 11, 2003 with claims 1-20. In the outstanding Office Action dated April 21, 2004, the Examiner has: (i) rejected claims 1-9, 13, 19 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,486,466 to Davis (hereinafter "Davis"); (ii) rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Davis in view of U.S. Patent No. 4,146,885 to Lawson (hereinafter "Lawson"); and (iii) indicated that claims 10-12, 14 and 16-18 contain allowable subject matter.

In this response, claims 1-3 have been amended. Additionally, claims 10, 12 and 16 have been recast into independent form. Applicants respectfully request reconsideration of the present application in view of the above amendments and the following remarks.

Claims 1-9, 13, 19 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Davis. The Examiner contends that Davis discloses all of the elements set forth in the subject claims. Applicants respectfully disagree with this contention. Davis is directed to a combination crib and cradle which is configured for elevating or lowering a mattress-supporting frame relative to the crib so as to eliminate the need for stooping by an attendant to reach an infant therein (Davis; column 1, lines 6-11). The mechanism taught by Davis to facilitate the raising and lowering of the mattress comprises a complex swingable frame including counterweights to assist in elevating the mattress to a desired height (Davis; column 3, lines 8-26).

With regard to independent claim 1, Applicants assert that this claim is patentable over Davis. Specifically, while Davis teaches a crib apparatus configured to elevate or lower a mattress-supporting frame, the claimed invention, by contrast, recites a crib apparatus configured to provide an access opening in at least one of the headboard and footboard through which a mattress can be slidably removed from the crib. Although Davis may disclose a recess (3) in a footboard of the crib (Davis; column 2, lines 50-51; FIG. 2), the crib taught by Davis is not configured such that the mattress can be slidably removed from the crib via the recess, as required by claim 1. In fact, Davis explicitly states that "[t]he frame 5 has been disclosed as being made from angle iron having its marginal flange 5a extending upwardly so as to retain the mattress in place" (Davis; column 3, lines 4-7; emphasis added). Thus in Davis, the mattress frame is designed to prevent the mattress from being slid out of the crib.

Notwithstanding the above traversal, claim 1 has been amended to further clarify the invention. Specifically, claim 1, as amended, further defines the mattress frame as being “configured such that the mattress can be slidably removed from the crib apparatus in a substantially same plane relative to a position of the mattress during use.” Applicants submit that the prior art of record fails to teach or suggest at least this feature of the claimed invention. In contrast to the claimed invention, Davis discloses a complicated mattress-supporting frame which is arranged to be swingable in at least two different planes of movement (e.g., vertical and horizontal) relative to a position of the mattress during use. This arrangement is clearly distinguishable from the crib apparatus set forth in claim 1.

For at least the reasons given above, Applicants submit that claim 1, as amended, is patentable over the prior art of record. Accordingly, favorable reconsideration and allowance of claim 1 are respectfully requested.

With regard to claims 2-9, 13, 19 and 20, which depend from claim 1, Applicants submit that these claims are also patentable over the prior art at least by virtue of their dependency from claim 1. Moreover, one or more of these claims define additional patentable subject matter in their own right. Accordingly, favorable reconsideration and allowance of claims 2-9, 13, 19 and 20 are respectfully solicited.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Davis in view of Lawson. The Examiner acknowledges that Davis fails to disclose a crib apparatus comprising alarm circuitry, but contends that Lawson discloses such additional feature. Without characterizing the Lawson reference, however, Applicants assert that claim 15, which depends from claim 1, is patentable over the prior art at least by virtue of its dependency from claim 1. Accordingly, favorable reconsideration and allowance of claim 15 are respectfully requested.

Application Serial No. 10/660,129

In view of the above, Applicants believe that claims 1-20 are in condition for allowance, and respectfully request withdrawal of the §102(b) and §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wayne L. Ellenbogen". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

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